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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DLA PIPER RUDNICK GRAY CARY US, LLP			DASS, HARISH T	
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E. PALO ALTO, CA 94303-2248			3628	

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/574,569	MCLEAN ET AL.	
	Examiner	Art Unit	
	Harish T. Dass	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/6/2005 has been entered.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-11, 13-24, 26-30, 32-39, 41-46 and 48-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder (US 6,321,205) in view of Phillips et al (hereinafter Phillips - US 6792399).

Re. Claim 1, Eder discloses an automated system and a computer based method for evaluating the probable impact of changes in business value and future value of a

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commercial enterprise accounting for tangible assets as intangible assets, [Eder - Abs; Fig. 1-16; C1 L17-L54], and

developing a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or, past event linked to each assumed variable that influences the corresponding assumed variable [Eder – see entire document particularly, [Eder - C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20; -- see C17 L52-L58 (The valuation of the current operation by the system requires sales, operation, finance, external database and human resource data for the three year period before and the four year period after the specified valuation date) and Abstract (generated changes in business value drivers on the other value drivers, the financial performance and the future value of a commercial enterprise = future financial value streams)];

determining, by use of the computer system, a first present value (PV) of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [Eder – C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67],

receiving as input into the computer system data from a user [Figure 4; C7 L10-L13; C8 L26-L67];

determining, by use of the computer system, in response to the occurrence or non-occurrence (different valuation methodology) of one or more of the future events, whether one or more of the assumed variables (estimated) have changed and whether

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the influenced future financial value stream has changed (comparing current value & previous value with different elements) [C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20; C44 L7-L67; C45 L57 to C46 L4].

Determining, by use of the computer system, a second present value of the future financial value stream taking into account the one or more assumed variables that changed in response to the occurrence or non-occurrence of the one or more of the future events [Eder - C28 L13-L60; C33 L24-L45].

Eder does not explicitly disclose data indicating the occurrence or non-occurrence of one or more of the future events. However, Phillips discloses this step [C25 L24-L36; C64 L36 to C66 L7 – see anticipated and unexpected] to estimate the present value of the expected firm (corporation, future value of commodity or an item) specific information (increase/decrease future value/income, sale, or etc.) For example; Exxon's future value based on the war in Iraq if the war continues for another few years or stops next month/year. Similarly, the price of oil as a commodity, it well keeps increasing or fall once the war is over or OPEC will make changes to its production. Example 2: Price of US corn in international market depends on the weather and harvest in other counties and for future option prices some of the factors are assumed, it may happen or not. Example 3: No one in Merck Pharmaceutical new that their drug Vioxx will be off the market due to raised questions about **heart problems**.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Eder and include occurrence

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or non-occurrence of one or more of the future events, as disclosed by Phillips, to analyze the impact of events on the future value of the corporation or a commodity.

Re. Claim 2, Eder discloses wherein determining the first present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized, and determining the second present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized taking into account an assessed probability that changed in response to the occurrence or non-occurrence of the one or more of the future events [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 3 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 5 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables, and determining the present value of the future financial value stream based upon the alternate scenario [C35 L35-L49; C44 L7 to C46 L4]; and

comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 6-7 Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream, and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; C14 table 7].

Re. Claim 8, Eder discloses determining a variance between the first present value and the second present value taking into account the time value of money between the first and second dates; and attributing (Quantity) the variance between the first present value and the second present value to events that occurred between the first and second dates [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 9, Eder discloses an automated system and method for evaluating the probable impact of changes in business value and future value of a commercial enterprise accounting for tangible assets as intangible assets, [Eder - Abs; Fig. 1-16; C1 L17-L54], and

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developing a data structure, by use of the computer system, including a plurality of future financial value streams, each future financial value stream having one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event linked to each assumed variable that influences the corresponding assumed variable [Eder - C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20 – see claim 1 above];

determining, by use of the computer system, a present value of each future financial value stream by aggregating the influences on the future financial value stream attributable to the assumed variables of the future financial value streams and adjusting the future financial value streams for a time value of money [C10 L41 to C12 L30; C17 L47-L67];

receiving as input into the computer system data from a user [Figure 4; C7 L10-L13; C8 L26-L67];

aggregating the present value of each future financial value stream to form a first aggregate present financial value of the plurality of future financial value streams [table 1 C5 L31 to C6 L25];

determining, by use of the computer system, in response to the occurrence or non-occurrence of one or more of the future events for one or more of the future financial value streams, whether one or more of the assumed variables have changed and whether the influenced future financial value stream has changed [C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20]; and

forming a second aggregate present value of the plurality of future financial value streams taking into account the one or more assumed variables that changed in response to the occurrence or non-occurrence of the one or more of the future events [C 3 L60 to C4 L19; C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20].

Eder does not explicitly disclose data indicating the occurrence or non-occurrence of one or more of the future events. However, Phillips discloses this step [C25 L24-L36; C64 L36 to C66 L7 – see anticipated and unexpected] to estimate the present value of the expected firm (corporation, future value of commodity or an item) specific information (increase/decrease future value/income, sale, or etc.) For example; Exxon's future value based on the war in Iraq if the war continues for another few years or stops next month/year. Similarly, the price of oil as a commodity, it well keeps increasing or fall once the war is over or OPEC will make changes to its production. Example 2: Price of US corn in international market depends on the weather and harvest in other counties and for future option prices some of the factors are assumed, it may happen or not. Example 3: No one in Merck Pharmaceutical new that their drug Vioxx will be off the market due to raised questions about heart problems.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Eder and include occurrence or non-occurrence of one or more of the future events, as disclosed by Phillips, to analyze the impact of events on the future value of the corporation or a commodity.

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Re. Claim 10, Eder discloses wherein determining the present value of each future financial value stream further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized[C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 11, Eder discloses wherein each of the plurality (multiple) of future financial value streams is associated with activities of the business enterprise necessary to give rise to the events associated with the corresponding future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; see ref. claim 1].

Re. Claim 13 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables [C35 L35-L49; C44 L7 to C46 L4];

determining an aggregate present value of the plurality of future financial value streams based upon the alternate scenario [C35 L35-L49; C44 L7 to C46 L4], and

comparing the aggregate present value of the plurality of future financial value streams based upon the alternate scenario to the first aggregate present value of the plurality of future financial value streams based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 14-15, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second aggregate

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present value of the plurality of future financial value streams and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second aggregate present value of the plurality of future financial value streams [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 16, Eder discloses determining a variance between the first aggregate present value and the second aggregate present value taking into account the time value of money between the first and second dates; and attributing the variance between the first aggregate present value and the second aggregate present value to events that occurred between the first and second dates [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 17 Eder discloses developing a data structure, by use of the computer system, including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event for each assumed variable that influences the corresponding assumed variable [- C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20];

determining, by use of the computer system, a first present value of the future financial value stream of the business enterprise as of a first specified date by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C10 L41 to C12 L30; C17 L47-L67];

determining, by use of the computer system, a second present value of the future financial value stream of the business enterprise as of a second specified date by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C11 L36 to C12 L30; table 1 C5; C28 L13-L60; C33 L24-L45] and forecasting [C13 L54 to C14 L40; table 7], and determining a variance between the first present value and the second present value taking into account a time value of money between the first and second dates (delivery date variance), and attributing the variance between the first present value and the second present value to events that occurred between the first and second specified dates (Quantity) [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 18 Eder discloses wherein determining a first present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized, and determining the second present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 19, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

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Re. Claim 20, Eder discloses determining a present value of each of a plurality of additional future financial value streams and aggregating the present value of the future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Re. Claim 21 Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining a present value of a future financial value stream of the business enterprise [Figure. 2, 4, 7, 14-15; C11 L1 to C12 L30];

developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on the future financial value stream of the business enterprise from the perspective of the selected stakeholder and at least one future or past event linked to each assumed variable that influences the corresponding assumption [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20 – see claim 1 above]; and

determining, by use of the computer system, a present value of the future financial value stream of the business enterprise from the perspective of the selected stakeholder by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C11 L36 to C12 L30 ;].

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Re. Claim 22 Eder discloses wherein determining the present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 23 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 24 Eder discloses selecting one or more additional stakeholder perspectives from among the plurality of stakeholder perspectives for determining the first present value of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; C14 table 7].

Re. Claim 26 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables, and determining the present value of the future financial value stream based upon the alternate scenario; and comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

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Re. Claim 27, Eder discloses determining a present value of each of a plurality of additional future financial value streams from the perspective of the selected stakeholder; and aggregating the present value of the future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Re. Claim 28, Eder discloses repeatedly determining and presenting a series of updated present values of the future financial value stream, each updated present value determined from the events and assumed variables in the data structure including any assumed variables that have changed in response to the occurrence or non-occurrence of one or more of the future events [C5 L16 to C6 L64; C24 L20-L33; C28 L13-L60; C33 L24-L45; C35 L35 to C37 L20; C44 L7 to C46 L4; C34 L21-L63; C39 L16-L35].

Re. Claim 29 Eder discloses developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event linked to each assumed variable that influences the corresponding assumed variable [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20 – see claim 1 above];

identifying and segregating risks specific to the future financial value stream from risks specific to the business enterprise or industry as a whole, and assigning

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probabilities to the events or assumed variables based on the identified risks [C35 L12 to C37 L20];

determining, by use of the computer system, a first present value of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables, adjusting the future financial values stream by the assigned probabilities, and further adjusting the future financial value stream for a time value of money [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67];

receiving as input into the computer system data from a user [Figure 4; C7 L10-L13; C8 L26-L67];

determining, by use of the computer system, in response to the occurrence or non-occurrence of one or more of the future events, whether one or more of the assumed variables have changed and whether the influenced future financial value stream has changed [C5 L16 to C6 L64; C24 L20-L33; C35 L35 to C37 L20]; and

determining, by use of the computer system, a second present value of the future financial value stream taking into account the one or more assumed variables that changed in response to the occurrence or non-occurrence of the one or more of the future events [C28 L13-L60; C33 L24-L45].

Eder does not explicitly disclose data indicating the occurrence or non-occurrence of one or more of the future events. However, Phillips discloses this step [C25 L24-L36; C64 L36 to C66 L7 – see anticipated and unexpected] to estimate the present value of the expected firm (corporation, future value of commodity or an item)

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specific information (increase/decrease future value/income, sale, or etc.) For example; Exxon's future value based on the war in Iraq if the war continues for another few years or stops next month/year. Similarly, the price of oil as a commodity, it well keeps increasing or fall once the war is over or OPEC will make changes to its production.

Example 2: Price of US corn in international market depends on the weather and harvest in other counties and for future option prices some of the factors are assumed, it may happen or not. Example 3: No one in Merck Pharmaceutical new that their drug Vioxx will be off the market due to raised questions about **heart problems**.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of Eder and include occurrence or non-occurrence of one or more of the future events, as disclosed by Phillips, to analyze the impact of events on the future value of the corporation or a commodity.

Re. Claim 30 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 32, Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables;

determining the present value of the future financial value stream based upon the alternate scenario; and

comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 33-34, Eder selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 35, Eder discloses determining a variance between the first present value and the second present value taking into account the time value of money between the first and second dates; and attributing the variance between the first present value and the second present value to events that occurred between the first and second specified dates [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 36, Eder discloses determining a present value of each of a plurality of additional future financial value streams; and aggregating the present value of the first future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Re. Claim 37 Eder discloses developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event for each assumed variable that influences the corresponding assumed variable [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20];

determining, by use of the computer system, a present value of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money, wherein the events and assumed variables collectively form a base case scenario for the business enterprise, and the first present value of the future financial value stream is based upon the base case scenario [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C35 L12 to C37 L20];

changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables [C35 L35-L49; C44 L7 to C46 L4], and determining, by use of the computer system, the present value of the future financial value stream based upon the alternate scenario [C35 L35-L49; C44 L7 to C46 L4], and

comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

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Re. Claim 38 Eder discloses wherein determining the present value further comprises adjusting the future financial value stream by an assessed probability that the influences on the financial value stream will be realized [C35 L35-L49; C44 L7 to C46 L4].

Re. Claim 39 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claims 41-42, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the present value of the future financial value stream and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the present value of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 43, Eder discloses determining a present value of each of a plurality of additional future financial value streams; and aggregating the present value of the first future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

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Re. Claim 44 Eder discloses developing, by use of the computer system, a data structure including one or more assumed variables that have an influence on a future financial value stream of the business enterprise and at least one future or past event for each assumed variable that influences the corresponding assumed variables [C12 L3-L8; C17 L5 to C18 L12; C19 L3-L20];

determining, by use of the computer system, a first present value of the future financial value stream of the business enterprise by aggregating the influences on the future financial value stream attributable to the assumed variables and adjusting the future financial value stream for a time value of money [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67]; and

repeatedly determining and presenting a series of updated present values of the future financial value stream, each updated present value determined from the events and assumed variables in the data structure including any assumed variables that have changed in response to the occurrence or non-occurrence of one or more of the future events [C5 L16 to C6 L64; C24 L20-L33; C28 L13-L60; C33 L24-L45; C35 L35 to C37 L20; C44 L7 to C46 L4; C34 L21-L63; C39 L16-L35].

Re. Claim 45 Eder discloses wherein determining the first present value and determining each updated present value further comprise adjusting the future financial value stream by an assessed probability that the influences on the future financial value stream will be realized [C35 L12 to C37 L20; C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67].

Re. Claim 46 Eder discloses wherein the future financial value stream is associated with activities of the business enterprise necessary to give rise to the events associated with the future financial value stream [Fig. 14 such as: brand-names, customer-base, etc; ref. claim 1].

Re. Claim 48 Eder discloses changing one or more of the assumed variables, to form an alternate scenario including the changed assumed variables, and determining the present value of the future financial value stream based upon the alternate scenario; and comparing the present value of the future financial value stream based upon the alternate scenario to the first present value of the future financial value stream based upon the base case scenario [C35 L35-L49; C44 L7 to C46 L4].

Re. Claims 49-50, Eder discloses selecting a stakeholder perspective from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream and selecting two or more stakeholder perspectives from among a plurality of stakeholder perspectives for determining the first and second present values of the future financial value stream [Figure. 2, 4, 7, 14-15; C10 L1 to C12 L30; LC14 table 7].

Re. Claim 51, Eder discloses determining a variance between the first present value and the selected updated present value taking into account the time value of money

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between the first and second dates; and attributing the variance between the first present value and the selected updated present value to events that occurred between the first and second dates [C10 L40 to C11 L21; LC14 table 7].

Re. Claim 52, Eder discloses determining a present value of each of a plurality of additional future financial value streams; and aggregating the present value of the first future financial value stream and the plurality of additional future financial value streams to form an aggregate present financial value of future financial values streams [C5 table 1 to C6 L25; C10 L41 to C12 L30; C17 L47-L67; C24 L60 to C25 L56; C19 L3-L20].

Claims 4, 12, 25, 31, 40 & 47 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Eder and Phillips as applied to claims 1, 9, 21, 29, 37 & 44 above, and further in view of Pilipovic (US 6,456,982)

Re. Claims 4, 12, 25, 31, 40 & 47, Eder discloses determining a present value of the future financial value stream by aggregating influences on the future financial value stream attributable to past events [C10 L41 to C12 L30; C17 L5 to C18 L12; C19 L3-L20]. Eder, explicitly, does not disclose determining a reliability index that is indicative of relative magnitudes of the present value of the future financial value stream attributable to past events and the present value of the future financial value stream attributable to future events. However, Pilipovic discloses determining a reliability index (projection distribution) that is indicative of relative magnitudes of the present value of

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the future financial value stream attributable to past events and the present value of the future financial value stream attributable to future events [Figure 14b, 14d; C1 L21 to C2 L50; C3 L30-L38; C16 L10-L16]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art in financial reliability and risk assessment to modify the disclosure of Eder and include reliability index, as taught by Pilipovic, to calculate and predict the uncertain future value forecast and goal to meet.

Response to Arguments

3. Applicant's arguments filed 4/6/2005 with respect to pending claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

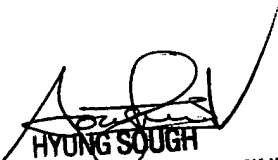
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Harish T Dass
Examiner
Art Unit 3628

6/23/05


HYUNG SOUH
SUPERVISORY PATENT EXAMINER
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